

EXHIBIT I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL MOGOLLAN,
on behalf of himself, FLSA Collective Plaintiffs
and the Class,

Plaintiff,

Case No. 18 CV 3202

-against-

LA ABUNDANCIA BAKERY & RESTAURANT
INC., *et al.*

**NOTICE OF PENDENCY OF
LAWSUIT REGARDING WAGES**

Defendants.

Please read this notice if you are or were employed as a non-exempt employee (including, but not limited to, cooks, food preparers, dishwashers, porters, bussers, food runners, delivery persons and waiters) at

LA ABUNDANCIA

at any of the following locations:

63-10 Broadway Ave., Woodside, NY 11377;

75-02 Roosevelt Ave., Jackson Heights, NY 11372;

81-16 Roosevelt Ave., Jackson Heights, NY 11372;

37-01 Junction Blvd., Corona, NY 11368;

94-19 Roosevelt Ave., Jackson Heights, NY 11372;

88-28 37th Ave., Jackson Heights, NY 11372;

at any time between April 12, 2012 and the present.

Former employee Angel Mogollan (“Plaintiff”) has sued La Abundancia, Monica Ferrerosa, and Ruben Rojas (“Defendants”) seeking (1) unpaid regular wages and overtime premium, (2) unpaid spread of hours premium, (3) statutory penalties, (4) liquidated damages and (5) attorneys’ fees and costs.

Plaintiff’s federal collective Fair Labor Standards Act (“FLSA”) claims seek back wages for unpaid regular and overtime wages, liquidated damages, and attorneys’ fees and costs.¹

Defendants deny that Plaintiff’s claims have merit. The purpose of this Notice is to advise you of the existence of this FLSA claim and of certain rights you may have with respect to the FLSA claim. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong.

YOUR LEGAL RIGHTS

If you worked for La Abundancia at any time between April 12, 2012 and the present, you may join this lawsuit. If you believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. It is your right to join or not to join this lawsuit. If

¹ The lawsuit also includes a class action claim under the New York Labor Law (“NYLL”). This Notice applies only to the FLSA claim, not to the class action claim brought under the NYLL.

you decide to join this lawsuit, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

If you participate in this lawsuit's FLSA claim, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claim, whether it is favorable or unfavorable to the Plaintiff.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before **[2 months from the date notice is sent out]**:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016
Tel: (212) 465-1180
Fax: (212) 465-1181
Email: cklee@leelitigation.com

If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation.

THE LAWYERS REPRESENTING PLAINTIFF

The Plaintiff in this lawsuit is represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If the Plaintiff wins a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award them (i) reasonable attorney's fees calculated using the lodestar method (*i.e.* number of hours expended multiplied by a reasonable court approved rate), or (ii) up to one-third of the monetary recovery, whichever is greater. You are not required to have Lee Litigation Group, PLLC represent you. If you want your own attorney to represent you in this lawsuit, however, you will be responsible for paying that attorney's fees and expenses.

GETTING MORE INFORMATION

You can obtain more information about this lawsuit by contacting C. K. Lee, Esq.:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016
Tel: (212) 465-1180 --- Fax: (212) 465-1181
Email: cklee@leelitigation.com

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, New York, _____, 2018

"CONSENT TO SUE" FORM

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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94-19 Roosevelt Ave., Jackson Heights 11372 or

88-28 37th Ave., Jackson Heights, NY 11372;

at any time between April 12, 2012 and the present,

complete and mail this Consent Form by [2 months from the date of notice] to:

C. K. Lee, Esq.
Lee Litigation Group, PLLC
30 East 39th Street, Second Floor
New York, NY 10016
Tel: (212) 465-1180 -- Fax: (212) 465-1181

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Angel Mogollan, or his counsel Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Social Security No.: _____

E-mail Address: _____

SIGNATURE: _____ Date: _____